

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK**

DEBORAH J. LIVINGSTON and DENA  
SCROGGINS, Individually and on behalf  
of all others similarly situated,

Plaintiffs,

v.

TRUSTCO BANK, A FEDERAL  
SAVINGS BANK,

Defendant.

: Case No.: 1:20-cv-1030 (GTS-ML)  
: (Lead Case); Consolidated With Case  
: No.: 1:21-cv-336 (GTS/ML) (Member  
: Case) and Case No.: 1:21-cv-238  
: (GLS/ATB) (Member Case)  
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**PLAINTIFFS' UNOPPOSED MOTION FOR PRELIMINARY APPROVAL OF  
CLASS ACTION SETTLEMENT**

Proposed class representatives Deborah Livingston, Dena Scroggins, Robert Lamoureux, and Tammy Jenkins ("Plaintiffs") hereby move the Court to enter an order in substantially the form of the Proposed Order submitted herewith:

1. Conditionally certifying the Class for purposes of settlement;
2. Preliminarily approving the proposed class action settlement between Plaintiffs and Defendant Trustco Bank as fair, adequate, and reasonable, based upon the terms set forth in the Parties' Settlement and Release Agreement ("Settlement Agreement"), including payment by Defendants of the non-reversionary Settlement Fund amount of \$2,750,000.00 and the following allocations to be paid out of the Settlement Fund: Attorneys' fees in the amount of one-third of the Settlement Fund; Plaintiffs' litigation costs; service awards of \$10,000 to each of the named Plaintiffs; and the Settlement Administrator's costs of administering the settlement;

3. Preliminarily appointing Plaintiffs as the Class Representatives and Taras Kick of The Kick Law Firm, APC as Class Counsel for purposes of settlement; and

4. Approving the proposed Class Notice and ordering it to be disseminated to the Class as provided in the Settlement Agreement.

The motion is based on this Motion, the attached memorandum of points and authorities, the declaration of Plaintiffs' counsel Taras Kick; the declaration of Arthur Olsen; the declaration of Robert Weissman; all matters of which this Court may take judicial notice, all pleadings in this matter, and such evidence and argument as may be presented at the hearing or the Court may allow.

Dated: February 14, 2024

Respectfully submitted,

By: /s/ Taras Kick  
Taras Kick (*admitted pro hac vice*)  
taras@kicklawfirm.com  
Tyler J. Dosaj (*admitted pro hac vice*)  
tyler@kicklawfirm.com  
THE KICK LAW FIRM, APC  
815 Moraga Drive  
Los Angeles, CA 90049  
Telephone: (310) 395-2988  
Facsimile: (310) 395-2088

J. Patrick Lannon, Bar Roll No. 516843  
plannon@cherundololawfirm.com  
CHERUNDOLO LAW FIRM, PLLC  
AXA Tower I, 17th Floor  
100 Madison Street  
Syracuse, New York 13202  
Telephone: (315) 449-9500  
Facsimile: (315) 449-9804

*Attorneys for Plaintiffs and the Putative Class*

**CERTIFICATE OF SERVICE**

I, Taras Kick, hereby certify that on the 14th day of February, 2024, the foregoing document, filed through the CM/ECF System, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

/s/ Taras Kick